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UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 30, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:03 p.m. Council President Peters recessed the meeting at 3:17 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:24 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 4:13 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

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- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor John Powell of Point Loma Community Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

**CS-1 J&J Properties, LLC v. San Diego Housing Commission, et al.
San Diego Superior Court Case No. GIC 85880**

DCA Assigned: C. Fitzgerald

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This lawsuit involves the enforcement of Single Room Occupancy (SRO) hotel regulations codified by the San Diego Municipal Code against Plaintiff/Cross-Defendant J&J Properties, LLC, for the closure of the Hotel Churchill and the ejection of long term tenants.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 p.m.)

Council President Peters closed the hearing.

**CS-2 *Coastal Law Enforcement Action Network v. City of San Diego;*
Air California Adventure, LLC;
David Jebb - (Complaint);
City of San Diego v. Air California Adventure, LLC;
Air California Adventure, Inc.;
David Jebb; Maya Jebb - (Cross Complaint)
San Diego Superior Court Case No. GIC 861914**

DCA Assigned: M. Dickenson

This matter is a challenge under the California Coastal Act relating to the City's lease of the property known as the Torrey Pines Gliderport. The City Attorney will update the Mayor and City Council on the status of the litigation in Closed Session and communicate a settlement offer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 p.m.)

Council President Peters closed the hearing.

ITEM-200: Water and Sewer Monthly Billing Report.

REFERRED TO RULES COMMITTEE
HEARING HELD/DIRECTION GIVEN

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(See Report to the City Council No. 07-071.)

STAFF'S RECOMMENDATION:

Information item only. No action requested.

STAFF SUPPORTING INFORMATION:

On April 30, 2002, as part of the approval of water rate increases proposed by the City Manager, the Mayor and City Council directed the Water Department to begin billing all water and sewer customers on a monthly basis by December 2003. The Department was instructed to convert to monthly billing without adding staff.

After reviewing the capabilities of the City's current billing system, a number of alternatives were considered. The alternative selected was to provide an estimate of water consumption for every other bill. Monthly billing began on September 2, 2003. There were one-time conversion costs of \$1.3 million, with additional annual operating costs of \$570,000. No additional revenue was generated. Under the monthly billing system a customer receives a bill based upon actual consumption, followed by an estimated bill the next month. The following month each customer's meter is again read and the consumption is verified. The department has continued to review and adjust all single-family dwelling accounts every six months since March 2005 in order to off set any additional charges that may have resulted from the shift from bi-monthly to monthly billing (this is called the tier-rate adjustment). For the latest six-month adjustment completed March 2006, the average adjustment for each account was \$2.03. Approximately 68 percent of single-family dwellings received an adjustment. For FY 2006 the total tier-rate adjustments equaled \$501,416. The Department's total water sales for that period was approximately \$254 million. Thus the tier-rate adjustment accounted for 2/10 of one percent of total water sales.

The department continues to review monthly billing practices on a regular basis. We have received information from SDDPC concerning the costs to adjust all accounts every two months rather than six months as described above. We have also received information from SDDPC concerning the costs to revert back to billing on a bi-monthly basis. As such, the following information is provided to the City Council.

- | | |
|----------|--|
| Option 1 | No change to the existing process. |
| Option 2 | Revert back to billing on a bi-monthly basis, eliminating the need to move the frequency of the tier-rate adjustments. |

The one-time cost estimate for Option 2 ranges from \$111,800 to \$167,700. This option would also reduce expenses by approximately \$622,000 annually. The costs and savings would be shared equally by the Water and Wastewater Funds. It should be noted that a typical monthly bill for water and sewer currently is \$76.13. A shift to bi-monthly billing would result in a bill of \$152.26 every two months for water and sewer service. We estimate that this option could be implemented in the March/April 2008 time frame, but it will be dependant on implementation of the final proposed Shames settlement which requires billing credits to the sewer portion of the bills. Consideration must also be made to the possible implementation of the new Enterprise Resource Planning system and its effect on the current billing system and practices.

Option 3 Do not revert back to bi-monthly billing. Shift the frequency of the tier-rate adjustment from every six months to every two months.

There are two methods of increasing the frequency of the tier-rate adjustments. The less complex and easier to understand method is recommended. Under this method single-family dwellings would receive their tier-rate adjustment, if any, two months after every actual read of their meter. The one-time cost estimate for implementing this method ranges from \$28,620 to \$38,637. Estimated additional annual costs range from \$4,420 to \$5,724. Under this option there would be no reduction in the annual expenses to the Water and Wastewater Funds. We estimate that this option could be implemented in November 2007. Again, the timing of any changes needs to be considered in relationship to implementation of the final Shames settlement and possible implementation of the new Enterprise Resource Planning system.

Barrett/Haas

Staff: Mike Bresnahan - (619) 533-5450

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:49 p.m.)

MOTION BY FRYE TO REFER THIS ITEM TO RULES COMMITTEE AND DIRECT MAYOR'S STAFF TO SHIFT THE TIER RATE ADJUSTMENT FROM EVERY SIX MONTHS TO EVERY TWO MONTHS NO LATER THAN NOVEMBER OF 2007. IN ADDITION, TO MOVE BACK TO BI-MONTHLY BILLING NO LATER THAN MARCH OR APRIL OF 2008 TIMEFRAME AND DIRECT CITY ATTORNEY TO PREPARE THIS FOR AN ADOPTION ITEM. Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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ITEM-201: Proposed Revisions to the Disclosure Practices Working Group (DPWG).

(See memorandum from Jay Goldstone dated 4/20/2007.)

MAYOR SANDERS' RECOMMENDATION:

Take the following actions:

HEARING HELD/DIRECTION GIVEN

Discuss proposed changes to the Disclosure Practices Working Group (DPWG);

Directing the City Attorney to prepare an ordinance amending the San Diego Municipal Code¹ consistent with the changes to the DPWG approved by the City Council.

¹ San Diego Municipal Code, Chapter 2: Government, Article 2, Administrative Code, Division 41: Securities Disclosure.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:49 p.m. – 3:17 p.m.)

MOTION BY FRYE TO ADOPT STAFF'S RECOMMENDATION AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE¹ CONSISTENT WITH THE CHANGES TO THE DPWG APPROVED BY THE CITY COUNCIL. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-202: First Amendment to Agreement with Actuarial Service Company, P.C.

MAYOR SANDERS' RECOMMENDATION:

Introduce the following ordinance:

(O-2007-129) TRAILED TO TUESDAY, MAY 1, 2007

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Introduction of an Ordinance amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by authorizing the City Auditor and Comptroller to appropriate and to transfer up to \$690,000 from the City's General Fund Unallocated Reserve to the General Fund, Department 601, to pay for actuarial services rendered by Actuarial Service Company, P.C. in connection with evaluation of the actuarial soundness of the City's Retirement System.

SUPPORTING INFORMATION:

June 19, 2006, the City entered into a contract with Actuarial Service Company, P.C. in the amount of \$210,000 to provide actuarial consulting services with respect to issues pertinent to an evaluation of the actuarial soundness of the City's retirement system, as outlined in the contract on file in the Office of the City Clerk as Document Number C-14160. The City requires further services from the firm consistent with the attached scope of services. The compensation will be increased to a not-to-exceed total of \$900,000.

FISCAL CONSIDERATIONS:

This amendment will increase the City's expenses by \$690,000. This amount is to be distributed among City funds based on the Fiscal Year 2007 pensionable salaries. The General Fund allocation of \$492,039 will be from the General Fund Unallocated Reserves. Other funds will absorb the expense within existing appropriations.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Mayoral Action approved by 1544 on file with the City Clerk as Document Number C-14160, authorizing the City to enter into the agreement with Actuarial Service Company, P.C. in an amount not to exceed \$210,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: -

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): -

Goldstone

Aud. Cert. 2700657.

NOTE: This item is not subject to Mayor's veto.

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:24 p.m. – 4:07 p.m.)

MOTION BY FAULCONER TO TRAIL TO TUESDAY, MAY 1, 2007, TO ALLOW STAFF TO PROVIDE ADDITIONAL INFORMATION REGARDING BUDGET IMPACTS. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: Notice of Pending Final Map Approval – Terrazzo Bougainvillea – Unit 1.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Terrazzo Bougainvillea – Unit 1." (T.M. No. 42-1235/PTS No. 89352), located northeasterly of Toyon Mesa Court and Rancho Toyon Place in the Del Mar Mesa Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- 1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- 2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- 3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:19 p.m. in honor of the memory of:

Dr. Michael Clark as requested by Council Member Atkins;
Reverend Glenn Allison as requested by Council Member Atkins; and
June Hanson Riddle as requested by Council President Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:07 p.m. – 4:19 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

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UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 1, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:04 a.m. Council President Peters recessed the meeting at 11:18 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:23 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:46 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:54 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 2:54 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

Clerk-Maland (mz/sr)

FILE LOCATION: MINUTES

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ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:39 a.m.)

PUBLIC COMMENT-2:

Hud Collins commented on the pension/financial crisis and on the war in Iraq.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. - 10:43 a.m.)

PUBLIC COMMENT-3:

Linda Smith commented on the Centre City Development Corporation and transportation problems.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:44 a.m.)

PUBLIC COMMENT-4:

Teera Vannaratana commented on the 2007 San Diego County Fair.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:46 a.m.)

PUBLIC COMMENT-5:

Joy Sunyata commented on citizen participation in government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:48 a.m.)

PUBLIC COMMENT-6: **Referred to the Rules Committee**

Donell Johnson commented on the Equal Opportunity Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:50 a.m.)

PUBLIC COMMENT-7:

Nick Moffit commented on explicit information posted in public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:53 a.m.)

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PUBLIC COMMENT-8:

Ian Trowbridge commented on Centre City Development Corporation service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:56 a.m.)

PUBLIC COMMENT-9:

Ron Boshun commented on Council Actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:59 a.m.)

PUBLIC COMMENT-10:

Phil Hart commented on budget planning.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:03 a.m.)

PUBLIC COMMENT-11:

Katheryn Rhodes commented on the Peninsula Community Planning elections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:06 a.m.)

PUBLIC COMMENT-12:

Brian Rickling commented on mini dorms.

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COUNCIL COMMENT-2:

Council Member Atkins invited the public to attend the Hillcrest Farmer's Market 10th Anniversary on Sunday, May 4, 2007.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:35 a.m. - 11:37 a.m.)

COUNCIL COMMENT-3:

Council Member Madaffer invited the public to attend the El Cerrito Home Tour, May 4, 2007, and the 8th Annual Spring Fest in Allied Gardens, Saturday, May 3, 2007. He also recognized the Islenair Community being designated as a historical site.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:37 a.m. - 11:39 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

Deputy City Attorney, Karen Heumann, commented on the City Attorney salaries.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:35 a.m. - 11:35 a.m.)

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ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED - IN BOLD

Approval of Council Minutes for the meetings of:

02/05/2007
02/06/2007
02/12/2007 - Adjourned
02/13/2007 - Adjourned
02/19/2007 - Adjourned
02/20/2007
02/26/2007
02/27/2007
03/05/2007 - Special Meeting
03/05/2007
03/06/2007
03/12/2007 - Adjourned
03/13/2007 - Adjourned
03/19/2007
03/20/2007
03/21/2007 - Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:05 a.m.)

MOTION BY HUESO TO APPROVE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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ITEM-31: Dr. Linda Barufaldi Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-825) ADOPTED AS RESOLUTION R-302568

Commending Dr. Linda Barufaldi for her accomplishments and service to the City of San Diego and wishing her all the best in her retirement.

Proclaiming May 1, 2007, to be "Dr. Linda Barufaldi Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. - 10:10 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Water Awareness Month.

COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-994) ADOPTED AS RESOLUTION R-302569

Proclaiming May to be "Water Awareness Month" in the City of San Diego and supporting the exemplary efforts of the Water Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:33 a.m.)

MOTION BY FRYE TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-33: Dr. Walter Odening Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1014) ADOPTED AS RESOLUTION R-302570

Recognizing and saluting Dr. Walter Odening for his invaluable service to the
community and proclaiming May 1, 2007 to be "Dr. Walter Odening Day" in the
City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. - 10:16 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following
vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-50: Amending the No Smoking Ordinance for San Diego's Parks and Beaches to
Include Beach Boardwalks, Seawalls, Piers and Cabrillo Bridge in Balboa Park.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Introduce the following ordinance:

(O-2007-88 Cor. Copy 2) INTRODUCED, TO BE ADOPTED
TUESDAY, MAY 15, 2007

Introduction of an Ordinance amending Chapter 4, Article 3, Division 10, of the San Diego Municipal Code by amending Sections 43.1001, 43.1002, 43.1003, 43.1004, 43.1005, 43.1006, 43.1007, 43.1008, 43.1009, and 43.1010, and by amending Chapter 6, Article 3, Division 00, Section 63.20.16, all relating to the regulation of smoking and prohibiting the use of tobacco products on City-owned fishing piers, on boardwalks, seawalls, and the Cabrillo Bridge in Balboa Park.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:23 a.m. - 11:34 a.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-51: Angle Parking on First Avenue.

(Uptown Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 4/10/2007, Item 55.
(Council voted 7-0. Councilmember Hueso not present):

(O-2007-115 Rev.) ADOPTED AS ORDINANCE O-19614 (New Series)

Authorizing the creation of an angle parking zone on First Avenue between Redwood Street and Palm Street, except that two parallel parking spaces shall be maintained north of the driveway of 2950 First Avenue, pursuant to the authority conferred by and in accordance with the provisions of California Vehicle Code Section 22503 and San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs or markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs or markings, or 30 days after the final passage of this ordinance, whichever comes later;

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Declaring that this action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this action is the minor alteration of an existing facility with a negligible expansion beyond the existing use.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-100: Sewer Easement Vacation in Parcel Map 19170 and Mission City Phase IV Map 14550.

(Mission Valley Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-911 Cor.Copy) ADOPTED AS RESOLUTION R-302571

Vacating and abandoning the sewer easement located within Parcels 2 & 3 of Parcel Map 19170 and Lots 5, 6, 7 & "A" of Mission City Phase IV Map 14550, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 20441-B, marked as Exhibit "B", to unencumber this property under the procedure for the summary abandonment of a public easement, pursuant to San Diego Municipal Code Section 125.1010(c)(3).

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STAFF SUPPORTING INFORMATION:

The portion of sewer easement being vacated as shown on Engineering Drawing No. 20441-B is located parallel to Fenton Parkway perpendicular to Friars Road. This easement was granted by separate instrument recorded April 19, 1957 in Book 6544, Page 31 of Official Records. This easement has been superseded by a new sewer easement of approximately equal value which was granted to the City by separate document on December 16, 2005 per Document No. 2005-1080924 as shown on Engineering Drawing No. 20416-B. There are no other public facilities located within the easement being vacated. There is no present or anticipated future use for the easement that is being vacated.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Community Planning group has no objection to this action.

KEY STAKEHOLDERS:

Escala Mission City, LLC, Shea Homes Inc.

Broughton/Waring

Staff: G. Bollenbach - (619) 446-5417
Nina M. Fain - Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-101: Fiscal Year 2008 California Arts Council State Local Partnership Program Grant.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-890) ADOPTED AS RESOLUTION R-302572

Authorizing the Mayor, or his designee, to apply to the State/Local Partnership Program under the California Arts Council for a \$20,000 grant to plan, coordinate and implement programs and services that enhance the cultural life of San Diego;

Authorizing the Mayor, or his designee, to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant, with the funds used to support the Commission for Arts and Culture's programs, services and administration;

Declaring that the City's Public Arts Fund, Department 1271, will provide the matching funds, contingent upon approval of the Fiscal Year 2008 budget;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program.

STAFF SUPPORTING INFORMATION:

The State Legislation established and funded the State/Local Partnership Program (SLPP) under the California Arts Council (CAC) to foster cultural development on the local level through a partnership between the California Arts Council and the state's local arts agencies. The nature of this partnership includes, funding, information exchange, cooperative activities, and leadership to stimulate and enable individuals, organizations, and communities to create, present, and preserve the art of all cultures to enrich the quality of life for all Californians.

The goals of the SLPP is to increase public awareness of, and participation in the arts of all cultures; to advocate for the arts at all levels; to encourage and promote arts in education; to encourage local communities to foster the growth of arts resources to meet local needs; to encourage local and regional partnership development promoting the health of the arts; to provide access to high quality artistic experiences for all Californians and to promote cooperation and collaboration in planning, programming and policy development.

FISCAL CONSIDERATIONS:

The California Arts Council projects that \$20,000 will be granted to the Commission in Fiscal Year 2008 on condition that the City provides a one-to-one funding match. The Commission's Fiscal Year 2008 administrative and programs budget will provide the matching funds contingent upon approval of the Fiscal Year 2008 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hamilton/Reynolds

Staff: Victoria Hamilton - (619) 533-3055
Sharon B. Spivak - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Conflict of Interest Code for the Charter Review Committee.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1016) ADOPTED AS RESOLUTION R-302573

Adopting a Conflict of Interest Code for the Charter Review Committee, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of the Conflict of Interest Code for the Charter Review Committee as adopted be placed on file with the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Charter Review Committee shall file their statements of economic interest with the City Clerk;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Charter Review Committee becomes effective upon the date of final passage of this resolution.

SUPPORTING INFORMATION:

On March 20, 2007, the Mayor announced the appointment of 15 individuals (including a committee member from each Council District recommended by their respective City Council Member) to the Charter Review Committee. The Charter Review Committee will be tasked with recommending modifications or clarifications to the San Diego City Charter relating to financial reform, duties of elected officials, separation of powers, budget authority and the strong mayor form of governance.

The Mayor has recommended that a Conflict of Interest Code for the Charter Review Committee be adopted to ensure transparency and avoid any potential financial conflicts. The Committee Members will file their statement of economic interests with the City Clerk.

FISCAL CONSIDERATIONS:

There are no fiscal considerations.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

There are no previous Council or Committee actions.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

No support or opposition.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

No projected impacts.

Nelson/Dubick

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-103: Authorization for San Diego Police Department (SDPD) to Wear Commemorative Badge.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1004) ADOPTED AS RESOLUTION R-302574

Authorizing the Police Chief to allow only active officers to wear, if they so desire, the commemorative police badge instead of the official badge, from May 1st through May 31st, 2007.

STAFF SUPPORTING INFORMATION:

The police badge is more than just a symbol of authority; it is a symbol of the commitment, dedication and sacrifice that this Department's members make on a daily basis for the citizens of San Diego. It is worn proudly its members and represents the professionalism, competence, and fairness expected of America's Finest. The Commemorative Badge will annually recognize the long and rich history of this Police Department and serve as a testament to the community of this organizations long commitment to service.

FISCAL CONSIDERATIONS:

Participation in this program is optional and officers at their own expense purchase the badges. There is no fiscal impact to the City of San Diego.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

In 1988, City Council passed a resolution regarding a 100-year centennial badge. This badge was optional and worn for one year to commemorate the anniversary of the San Diego Police Department. The badge was retired on January 1, 1990.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None related to this request. However, there will be press releases issued as part of a public awareness campaign designed to address questions citizens might have if they see the badge in public.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Police Historical Society initiated this request and is working closely with Police Human Resources to administer this program if approved.

Lansdowne/Olen

Staff: Lt. Shaun Donelson - (619) 531-2750
John C. Hemmerling - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Law Enforcement Memorial Day.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1003) ADOPTED AS RESOLUTION R-302575

Proclaiming May 9, 2007, to be "Law Enforcement Memorial Day" in the City of San Diego, and honoring the officers who have made the ultimate sacrifice to maintain peace and order, and preserve freedom and security of this City's citizens.

SUPPORTING INFORMATION:

During the month of May, National Police week is observed throughout the nation in order to recognize the hazardous work, serious responsibilities and strong commitment of our nation's peace officers. This special observance provides the Citizens of San Diego the opportunity to recognize those noble officers who have sacrificed their lives in the line of duty.

FISCAL CONSIDERATIONS:

There is no fiscal impact to the City of San Diego associated with this event.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

This resolution is presented yearly to City Council in honor of officers who have made the ultimate sacrifice to maintain peace and order, and preserve freedom and security of this City's citizens.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Citizens are encouraged to attend the 23rd Annual Peace Officer's Memorial Ceremony held on May 9, 2007, at 12:00 p.m. at the Balboa Park Organ Pavilion.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Community of San Diego and those who protect and serve.

Lansdowne/Olen

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Catalina Island Conservancy Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-993) ADOPTED AS RESOLUTION R-302576

Offering its most sincere gratitude to the Catalina Island Conservancy and proclaiming April 14, 2007, as "Catalina Island Conservancy Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-106: Young Art Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-988) ADOPTED AS RESOLUTION R-302577

Recognizing the achievements of local students and educators, and would like to thank the San Diego Museum of Art for demonstrating its commitment to arts education in San Diego.

Proclaiming April 20, 2007, to be "Young Art Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Laura Hillman Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-989) ADOPTED AS RESOLUTION R-302578

Proclaiming April 23, 2007, to be "Laura Hillman Day" in the City of San Diego, and commending Laura Hillman for her courage, perseverance, and desire to educate the next generation.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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* ITEM-108: International Family Justice Center Alliance Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-980) ADOPTED AS RESOLUTION R-302579

Recognizing and saluting the Family Justice Center for its invaluable service to the community and proclaiming April 11, 2007, to be "International Family Justice Center Alliance Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Gonzalo Rojas Day.

COUNCIL PRESIDENT PRO TEM YOUNG'S AND COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1008) ADOPTED AS RESOLUTION R-302580

Proclaiming April 28, 2007, to be "Gonzalo Rojas Day" in the City of San Diego in recognition of his dedication to improve the quality of education and access to college for residents in the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-202: First Amendment to Agreement with Actuarial Service Company, P.C.

MAYOR SANDERS' RECOMMENDATION:

Introduce the following ordinance:

(O-2007-129 Rev.) INTRODUCED AS AMENDED; TO BE ADOPTED
ON TUESDAY, MAY 22, 2007

Introduction of an Ordinance amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by authorizing the City Auditor and Comptroller to appropriate and to transfer up to \$690,000 from the City's General Fund Unallocated Reserve to the General Fund, Department 601, to pay for actuarial services rendered by Actuarial Service Company, P.C. in connection with evaluation of the actuarial soundness of the City's Retirement System.

SUPPORTING INFORMATION:

June 19, 2006, the City entered into a contract with Actuarial Service Company, P.C. in the amount of \$210,000 to provide actuarial consulting services with respect to issues pertinent to an evaluation of the actuarial soundness of the City's retirement system, as outlined in the contract on file in the Office of the City Clerk as Document Number C-14160. The City requires further services from the firm consistent with the attached scope of services. The compensation will be increased to a not-to-exceed total of \$900,000.

FISCAL CONSIDERATIONS:

This amendment will increase the City's expenses by \$690,000. This amount is to be distributed among City funds based on the Fiscal Year 2007 pensionable salaries. The General Fund allocation of \$492,039 will be from the General Fund Unallocated Reserves. Other funds will absorb the expense within existing appropriations.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Mayoral Action approved by 1544 on file with the City Clerk as Document Number C-14160, authorizing the City to enter into the agreement with Actuarial Service Company, P.C. in an amount not to exceed \$210,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: -

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): -

Goldstone

Aud. Cert. 2700657.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:37 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE AS AMENDED TO AUTHORIZE THE AMOUNT EXPENDED BEYOND THE AMOUNT PREVIOUSLY AUTHORIZED. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-nay.

ITEM-330: Tourism Marketing District Procedural Ordinance.

(Citywide.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-101 Cor. Copy) CONTINUED TO TUESDAY, MAY 8, 2007

Introduction of an Ordinance amending Chapter 6, Article 1, of the San Diego Municipal Code by adding Division 25, titled San Diego Tourism Marketing District Procedural Ordinance, and adding Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505, 61.2506, 61.2507, 61.2508, 61.2509, 61.2510, 61.2511, 61.2512, 61.2513, 61.2514, 61.2515, 61.2516, 61.2517, 61.2518, 61.2519, 61.2520, 61.2521, 61.2522, 61.2523, 61.2524, 61.2525, 61.2526, and 61.2527, all relating to Procedures for Establishing a Tourism Marketing District.

STAFF SUPPORTING INFORMATION:

Representatives from the hotel industry approached City officials about implementing a Tourism Marketing District mid-2005. Industry representatives were interested in developing a new source of revenue for marketing and promotion in order to retain and expand the tourism industry in San Diego. The tourism industry is the third largest revenue generator for the San Diego economy and a key employment sector. The revised projected annual Transient Occupancy Tax (TOT) revenue to the City for FY 2007 is \$149.6 million. However, future growth of the industry is dependent on additional marketing of San Diego, especially as more hotel rooms come on-line. Maintaining or increasing hotel occupancy rates will also result in enhanced TOT revenues to the City.

In discussing the concept of a Tourism Marketing District, a number of issues were raised including how such a district might be formed, who would be assessed, how the level of support for the district would be determined, what kinds of improvements and activities would be provided, and the length of time for which assessments would be levied.

Over the last year, hotel industry representatives have been exploring the Tourism Marketing District concept and building support for the proposal. City staff has been reviewing the concept and evaluating the legal framework for forming such a district. It was decided that the most analogous legislation for the desired Tourism Marketing District is the State Property and Business Improvement District (PBID) Law of 1994. City staff met with industry representatives to discuss the identified issues before drafting a new procedural ordinance based on the 1994 PBID Law. The draft procedural ordinance was distributed to the Lodging Industry Association and the San Diego County Hotel-Motel Association in December 2006. Comments were received by City staff and incorporated into the draft which is now recommended to be adopted.

The procedural ordinance outlines the process for forming a Tourism Marketing District. It allows for a district to be formed for a period not to exceed five (5) years initially. It requires that petitions be obtained in support of the district from hotels-motels representing more than 50% of the proposed assessments in order to bring the matter to City Council. As part of the Council proceedings a mailed ballot would be conducted by City staff and counted by the City Clerk to determine if a majority protest exists. A management plan must be developed by the proponents of the district and made available to all potentially affected hotels-motels as part of the petition drive so that businesses can determine if they support the proposed improvements and activities. If a Tourism Marketing District is formed and is successful then the hotels-motels could vote to extend the district at the end of the initial five (5) year period, if not, then the district would lapse of its own accord.

FISCAL CONSIDERATIONS:

There is no fiscal impact associated with the adoption of the ordinance since this is only a procedural ordinance on how to create a tourism assessment district. However, if a Tourism Marketing District is formed in FY 2008 then the potential savings to the City would be around \$6 million in the fiscal year and \$10 million a year in subsequent years since funding for the San Diego Convention and Visitors Bureau and other tourism-related organizations would be supported through the Tourism Marketing District assessments rather than being funded by the City with TOT funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On July 19, 2006, a presentation was made to the Budget and Finance Committee by the San Diego Lodging Industry Association on the status of the proposal to create a Tourism Marketing District. Since this was an information item only no action was taken.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Both the Lodging Industry Association and the San Diego County Hotel-Motel Association reviewed the draft of the proposed ordinance and provided comments on some of the provisions. Mr. Scott Kessler was the keynote speaker at the January 2007 monthly membership meeting of the San Diego County Hotel-Motel Association and spoke about the concept of the Tourism Marketing District and answered questions from the floor. Immediately preceding the membership meeting he attended the Board of Directors meeting and answered questions from the Board members. Meetings have also been held with representatives of the San Diego Convention and Visitors Bureau, San Diego Regional Chamber of Commerce and the San Diego Convention Center Board to answer questions about the Tourism Marketing District concept.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the hotels and motels in San Diego that might ultimately be included in a Tourism Marketing District. There is no impact at this time with the introduction of the procedural ordinance since this is not creating an assessment district.

Anderson/Waring

Staff: Scott Kessler - (619) 533-4234
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. - 2:06 p.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO TUESDAY MAY 8, 2007, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: Amendments to the San Diego Municipal Code Eliminating the Surplus Undistributed Earnings ("Waterfall") as Codified in San Diego Municipal Code Section 24.1502 and as Referred to in Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the City Employees' Retirement System.

(See Report from the City Attorney dated 2/2/2007; memorandum from Mayor Sanders and Council President Peters dated April 5, 2007; and Independent Budget Analyst Reports No. 07-05 and 07-43.)

(Continued from the meetings of April 10, 2007, Item 332, and April 17, 2007, Item S500, last continued at the request of Councilmember Hueso, for full City Council and for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/5/2007, Item 203. (Council voted 8-0):

(O-2007-93) CONTINUED TO MONDAY, MAY 14, 2007

Amending Chapter 2, Article 4, Division 15, of the San Diego Municipal Code, by repealing Section 24.1502, and amending Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the "Waterfall".

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:02 p.m. – 2:03 p.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, MAY 14, 2007, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Tierrasanta Public Facilities Financing Plan, Fiscal Year 2008.

(See Executive Summary Sheet dated 4/4/2007, with attachments. Tierrasanta Community Area. District 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-977) ADOPTED AS RESOLUTION R-302582

Rescinding the Tierrasanta Public Facilities Financing Plan, Fiscal Year 2003;

Approving the document titled "Tierrasanta Public Facilities Financing Plan, Fiscal Year 2008";

Declaring that the Development Impact Fees (DIF) fee schedule contained in the "Tierrasanta Public Facilities Plan, Fiscal Year 2008", to be an appropriate and applicable DIF fee schedule for all properties within the Tierrasanta Community area;

Declaring that the Docket Supporting Information (Executive Summary Sheet dated April 4, 2007) including all exhibits and attachments thereto, and the text contained in the "Tierrasanta Public Facilities Financing Plan, Fiscal Year 2008", are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for impositions of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Declaring that this activity is not a project" as defined in CEQA Guidelines Section 15378; thus, it is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/11/2007, LU&H voted 3 to 0 to approve. (Council President Pro Tem Young, Councilmembers Atkins and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Tierrasanta. Tierrasanta is an area in the later stages of development where significant infrastructure construction has occurred. The objective of the Tierrasanta Facilities Benefit Assessment (FBA) was to ensure that funds would be available in sufficient amounts to provide community facilities when needed. All assessments were collected at the building permit issuance stage of development and deposited into a special interest earning fund for Tierrasanta. All FBA funds and interest on those funds have been expended on Capital Improvement Projects in the Tierrasanta community. The objective of a Tierrasanta Development Impact Fee is to mitigate the impact of new development on public facilities. This plan revises and updates the Fiscal Year 2003 Plan (R-296569 dated May 28, 2002).

The proposed Development Impact Fees for Fiscal Year 2008 are as follows:

Residential Property (per residential unit):

| | |
|----------------|-----------------|
| Fire | \$ 628 |
| Library | \$ 717 |
| Park and Rec | \$ 2,467 |
| Transportation | \$10,713 |
| TOTAL | \$14,525 |

Commercial/Industrial Property:

| | |
|----------------|---|
| Fire | \$ 628 per 1,000 square feet of gross building area |
| Transportation | \$ 1,530 per average daily trip |

Should the City Council not approve the proposed Tierrasanta Public Facilities Financing Plan, Fiscal Year 2008, then the existing Development Impact Fee would remain in place and new development would not be contributing its proportional share for the capital expenses portion of the required public facilities. Alternative funding sources would have to be identified to fund the share of the identified facilities attributable to new development.

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the capital expenses portion of the required public facilities.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Any redevelopment which increases the intensity of existing uses, may be subject to an impact fee per Attachment 2.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

On March 21, 2007, the Tierrasanta Community Planning Board considered the Tierrasanta Public Facilities Financing Plan for Fiscal Year 2008. The Board expressed its support for the project with a vote of 11-1-0. The dissenting vote was made in protest of the inclusion of costs for certain transportation facilities (identified in the Community Plan) in the DIF basis.

Anderson/Waring

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:38 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Alpha Project and Take Back the Streets Program.

(See Report to the City Council No. 07-072.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-874 Rev. Copy) ADOPTED AS RESOLUTION R-302581

Accepting the Mayor's, Report to the City Council No. 07-072, dated April 25, 2007, and approving the recommendations contained therein;

Authorizing the City Auditor and Comptroller to transfer \$80,000 from Environmental Services Department Fund No. 100, Department No. 513, Organization No. 9001, Job Order No. 001030, and Object Account No. 4222, to Streets Division Fund No. 100, Department No. 534, Organization No. 2702, Job Order No. 5259, and Object Account No. 4222;

Authorizing the expenditure of an amount not to exceed \$80,000 from Streets Division Fund No. 100, Department No. 534, Organization No. 2702, Job Order No. 5259, and Object Account No. 4222, to provide additional funding for weed abatement by Alpha Project for the Homeless as part of the "Take Back the Streets" Program, under the current agreement;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Labor Relations Office, Mayor's Office, City Attorney's Office, and Environmental Services Department (ESD) worked diligently to find appropriate additional funding sources to follow Council's direction regarding the Take Back the Streets Program, Alpha Project, and Local 127. Currently, Alpha Project has over \$1,000,000 in Contracts with City departments, which includes approximately \$202,000 of the \$300,000 that Council designated for Take Back the Streets. We met with Alpha Project to discuss additional work that Alpha Project may be able to perform within the City of San Diego to comply with Council's direction.

We were able to identify projects and funding in the amount of up to \$60,000 from the Storm Water Pollution Prevention Division in the General Services Department to fill the funding gap so that Alpha Project will still receive approximately \$300,000 from the City of San Diego related to the TBS program as Council directed for FY 07. Alpha Project is agreeable to this proposed resolution and supportive of the City's efforts.

FISCAL CONSIDERATIONS:

Total of up to \$300,000. Approve and authorize the transfer of \$80,000 from ESD to Streets Division for purposes of Weed Abatement pursuant to an existing contract with Alpha.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

At the November 20, 2006, Council Meeting, the following occurred:

MOTION BY MADAFFER TO RETURN THE ITEM TO THE MAYOR REQUESTING FURTHER ACTION IN FINDING A SOLUTION THAT SATISFIES COUNCIL'S DIRECTION AND DESIRE AS STATED IN THE BUDGET PROCESS TO CONTINUE TO FUND "TAKE BACK THE STREETS" AND BRING THIS ITEM BACK TO COUNCIL BEFORE THE END OF JANUARY 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.